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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,191	01/04/2002	Kazuo Shiota	2091-0258P	2098
2292	7590	07/05/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER

2174

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,191

Applicant(s)

SHIOTA ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-115 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20, 21, 28, 30-37, 39-45, 47-53, 55-61, 63-70, 72-78, 80-86, 88-94, 96-102 and 104-115 is/are rejected.
- 7) ☒ Claim(s) 21, 29, 38, 46, 54, 62, 71, 79, 87, 95 and 103 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/956,933.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>6/7/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This application has been examined. This is a reissue of U.S. Patent 6,011,547.

2. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,011,547 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 20, 22--28, 30-37, 39-45, 47-53, 55-61, 63-70, 72-78, 80-86, 88-94, 96-102, 104-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (5696850) and Amano et al (5937218).

5. Regarding claim 20, Parulski et al show a method for processing image data (abstract, column 2 lines 15-30), including: receiving image data recorded by a digital image recording device (column 2 lines 14-40, column 5 lines 5-20), wherein the recording information is used to enhance picture quality and is added to the digital image data (Figures 2, 3, 6, column 3 lines 16-40, column 5 lines 43-64), and processing the digital image data using the recording information to enhance picture quality (column 5 lines 30-59, column 6 lines 20-45). Parulski et al do not specifically show that the digital and recording information are first stored together as an image file per se, but rather just that they are processed together to make the resultant pictures. The Examiner takes Official Notice that it is possible to store them together in one digital data file. Furthermore, Amano et al do show storing photographic data and recording information together on the film (Figures 4, 5, 6, column 3 lines 20-35, column 7 lines 40-60) for convenient processing together so as to enhance picture quality. It would have been obvious to a person with ordinary skill in the art to have the image and recording information stored together in a data file in the digital system of Parulski et al, because it would allow convenient processing together of the imaging and recording data so as to enhance picture quality.

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6. Regarding claim 22, only one of these information types need be shown in the prior art, as the claim recites them in alternative form. Amano et al shows the lighting condition (Figures 2, 4, 6, column 7 lines 10-35) as a type of information for enhancing picture quality. It would have been obvious to a person with ordinary skill in the art to have this in the system of Parulski et al, as it would allow a convenient way to enhance picture quality.

7. Regarding claim 23, the lighting condition shown in Amano et al is obtained through an exposure meter (Amano et al column 7 lines 5-30).

8. Regarding claim 24, Amano et al show mode setting including scenery designation (column 7 lines 30-55, column 12 lines 40-60) as a type of information for enhancing picture quality. It would have been obvious to a person with ordinary skill in the art to have this in the system of Parulski et al, as it would allow a convenient way to enhance picture quality.

9. Regarding claim 25, Parulski et al show reproducing the image (column 6 lines 20-45, column 7 lines 10-23).

10. Regarding claim 26, Parulski et al uses a printer to reproduce the image (Figure 2, column 4 lines 24-40).

11. Regarding claim 27, Parulski et al uses the look-up table (column 6 lines 30-40).
12. Claims 28, 30-35 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.
13. Claims 36-37, 39-44 show the same features as claims 20, 25, 22-24, 26-27 respectively and are rejected for the same reasons.
14. Claims 45, 47-52 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.
15. Claims 53, 55-60 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.
16. Claims 61, 63-69 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.
17. Claims 70, 72-77 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.

18. Claims 78, 80-85 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.

19. Claims 86, 88-93 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.

20. Claims 94, 96-101 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.

21. Claims 102, 103-108 show the same features as claims 20, 22-28 respectively and are rejected for the same reasons.

22. Regarding claims 109-115, the recording information includes a processing condition (Parulski et al column 6 lines 20-46).

23. Claims 21, 29, 38, 46, 54, 62, 71, 79, 87, 95, and 103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The features combined including determining an optimal processing condition and reproducing the digital image data on which the image processing has been carried out based on the optimal image processing condition, are not set forth in the prior art of record,

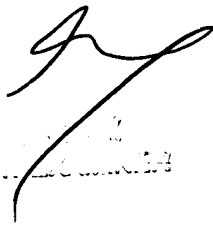
24. Claims 1-19 are allowable over the prior art of record. The features combined including that the image processing is carried out for the digital image file for enhancing the picture quality of digital image data stored in the storage medium by using the stored recording information to determine an optimal image processing condition, and that the recording condition is specific to the digital image recording device, as well as the reproducing the digital image data on which the image processing has been carried out based on the optimal image processing condition. The features combined are not set forth in the prior art of record.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Handwritten signature, possibly reading "J. P. [unclear]".